

8 Transcript of excerpt of testimony of
9 CHARLENE BALDIZAN

10 | May 1, 2018

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| 1 | I N D E X |
| 2 | EXAMINATION OF CHARLENE BALDIZAN |
| 3 | By Mr. Beck |
| 4 | By Ms. Torraco |
| 5 | By Mr. Benjamin |
| 6 | By Mr. Beck |
| 7 | REPORTER'S CERTIFICATE |
| 8 | EXHIBITS ADMITTED |
| 9 | Government 346 and 347 Conditionally Admitted |
| 10 | Government 487, 488, 491, 492, and 522 Admitted |
| 11 | Government 754 through 757, 851 and 852 Admitted |
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1 THE COURT: All right, Mr. Beck. Does the
2 Government have its next witness or evidence?

3 MR. BECK: Yes, Your Honor, the United
4 States calls Charlene Baldizan.

5 THE COURT: Ms. Baldizan, if you'll come
6 up and stand next to the witness stand before you're
7 seated.

8 MR. SINDEL: Can we approach for a
9 housekeeping matter?

10 THE COURT: You may.

11 My courtroom deputy, Ms. Bevel, will swear
12 you in.

13 Go ahead and swear her in.

14 CHARLENE BALDIZAN,
15 after having been first duly sworn under oath,
16 was questioned, and testified as follows:

17 THE CLERK: Please state your name for the
18 record and spell your last name.

19 THE WITNESS: Charlene Baldizan,
20 B-A-L-D-I-Z-A-N.

21 THE COURT: All right, Ms. Baldizan,
22 Counsel.

23 (The following proceedings were held at
24 the bench.)

25 MR. SINDEL: I'm assuming that there is no

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1 reason to have any of the transcript copied; is that
2 correct?

3 THE COURT: Say that again?

4 MR. SINDEL: There is no reason at this
5 point to have the transcript copied; he's been
6 excused?

7 MR. CASTELLANO: I would agree. Cancel
8 that order.

9 THE COURT: I thought you were going to
10 clean up that apartment.

11 MR. SINDEL: You know, you ought to see
12 how I live.

13 MR. BECK: I'm going to have her ID the --

14 MS. TORRACO: This is the same thing that
15 happened yesterday. We were just given a 302 within
16 the past 20 minutes. Is that fair, 20 minutes,
17 maybe even 10 on this particular witness? And I
18 would ask that this witness be held after lunch
19 until I have a chance to read it.

20 THE COURT: How long is the 302?

21 MR. BECK: I haven't seen the 302. I
22 think it's -- based on our discussion yesterday, I
23 think the new information is that she saw Andrew
24 Gallegos with guns. I think that's it. I think
25 there may be one other statement that was new. I

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1 can't remember what it is.

2 THE COURT: Are you going to get into that
3 new information in the 302?

4 MR. BECK: You know, I thought about
5 Andrew Gallegos with guns. I'd like to get into it,
6 but I'm not sure that it meets -- well, I don't want
7 to make the arguments for anyone, but I'm not sure I
8 can tie it to racketeering activity for the SNM.

9 THE COURT: So it's probably just a 404
10 and we've had enough bad acts. Let's just keep this
11 one out, and so if he's not going to rely on any new
12 information in the 302, are you prepared to go
13 forward?

14 MS. TORRACO: Your Honor, I haven't read
15 it yet.

16 THE COURT: Go ahead and go forward. If
17 you need to reapproach, you can.

18 MS. TORRACO: Thank you so much. Are
19 these for the witness?

20 MR. BECK: It's just the phones from the
21 hotel room she's going to.

22 THE COURT: Whose are they?

23 MS. TORRACO: I'm anxious to get back and
24 read that 302.

25 MR. BECK: I was going to say, if there is

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1 anything else new in there and you think I'm getting
2 close to it, because it's going to track her
3 interview, just ask to approach. Because I remember
4 there being two new things. One of them was the
5 gun. The other I can't remember off the top of my
6 head, but I'm not going to get into the guns.

7 THE COURT: Just approach if he's getting
8 in an area you haven't seen in any other 302s.

9 MS. TORRACO: If I'm understanding the
10 Court correctly, you're not allowing in the new
11 information, so he says.

12 THE COURT: The guns --

13 MS. TORRACO: Or something else.

14 THE COURT: The guns, I can't really rule
15 on something I don't know about. So he's saying he
16 can't remember the other new thing, so chances are
17 he's not going to ask her about it.

18 MS. TORRACO: Either that or if it's
19 something he doesn't want to tell me about.

20 THE COURT: If it's in the other 302, it's
21 fair game. If you see something in the new 302
22 that's not in the other 302, you can reapproach.

23 MR. BECK: Especially if it's really good,
24 then let me know.

25 THE COURT: You may not want to approach.

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1 MS. TORRACO: Right.

2 (The following proceedings were held in
3 open court.)

4 THE COURT: Mr. Beck.

5 MR. BECK: Thank you, Your Honor.

6 DIRECT EXAMINATION

7 BY MR. BECK:

8 Q. Good morning, Ms. Baldizan. Please
9 introduce yourself one more time, since we had a
10 little break.

11 A. Charlene Baldizan. Do you want me to
12 spell my last name?

13 Q. No, that's fine. Thank you. Ms.
14 Baldizan, do you know Andrew Gallegos?

15 A. Yes, that's my ex-boyfriend.

16 MS. TORRACO: Your Honor, I can't hear the
17 witness. I'm sorry.

18 THE COURT: Pull up your chair just a
19 little bit, and move that a little bit higher.
20 There we go. Let's try that.

21 THE WITNESS: There?

22 BY MR. BECK:

23 Q. Yes, much better. Thank you. When did
24 you meet Andrew Gallegos?

25 A. When I was 18.

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1 Q. And how did you meet Andrew Gallegos?

2 A. Through a friend.

3 Q. When did you start dating Andrew Gallegos?

4 A. When I was 18.

5 Q. And do you remember what year that was,
6 approximately?

7 A. 2000.

8 Q. And since that time?

9 A. It's been on and off.

10 Q. That was my question. How has your
11 relationship with Andrew Gallegos been since 2000?

12 A. On and off, rocky, horrible.

13 Q. Were you dating Andrew Gallegos in
14 November of 2012?

15 A. We had broke up like a week before.

16 Q. I'm going to show you what's been admitted
17 as Government's Exhibit 571 -- 541. Sorry.

18 A. That's Andrew.

19 Q. And is that the Andrew Gallegos you dated?

20 A. Yes.

21 Q. Did you know Andrew Gallegos to be a
22 member of any street gang?

23 A. Yeah.

24 Q. Which gang?

25 A. East Side.

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1 Q. Is that also known as the East Side Locos?

2 A. Yes.

3 Q. And where is that gang?

4 A. Belen.

5 Q. I'm going to show you what's been admitted
6 as Government's Exhibit 421. Do you recognize
7 what's depicted in this photograph?

8 A. That's Joe's house.

9 Q. During the times that you dated Andrew
10 Gallegos, did he also reside at this house?

11 A. Yes.

12 Q. And I'll show you Government's Exhibit
13 427. Do you recognize what's depicted in that
14 photograph?

15 A. That's also Joe's house.

16 Q. I want to talk to you about November 2012.
17 On November 12 -- well, let me ask you this. I
18 think you already said you were dating Mr. Andrew
19 Gallegos around, let's say, November 12, 2012?

20 A. No.

21 Q. Were you at a matanza with the Gallegoses,
22 Joe Gallegos and Andrew Gallegos, the weekend before
23 that, on the 11th?

24 A. No.

25 Q. When after November 12, 2012, was the

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1 first time that you communicated -- the first time
2 that you communicated with Andrew Gallegos?

3 A. On the 20th. Well, actually, so -- not
4 until I got arrested in the hotel. I can't even
5 remember what date that was.

6 Q. Okay. Before that date, did you receive
7 any text messages from him?

8 A. He texted me and told me the day before
9 the 20th, which was the 19th, to go to Joe's house.
10 I didn't go.

11 Q. At some point did you go meet Andrew
12 Gallegos and Joe Gallegos at a motel in Albuquerque?

13 A. Yes.

14 Q. When was that, if you remember?

15 A. I don't remember.

16 Q. At some point after you visited with them,
17 were you arrested by State Police?

18 A. Yes.

19 Q. And did you give an interview to police
20 officers on the day that you were arrested?

21 A. Yes.

22 Q. Would looking at a copy of the report that
23 includes your statement help refresh your
24 recollection to when you went to the hotel to meet
25 Andrew Gallegos? Would looking at the date on that

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1 report help refresh your recollection when you went
2 to the hotel?

3 A. Yes.

4 MS. TORRACO: Mr. Beck, may I see that?

5 MR. BECK: 3826.

6 May I approach the witness?

7 THE COURT: You may.

8 BY MR. BECK:

9 Q. I'm handing you a New Mexico State Police
10 supplemental report. Do you see your name on the
11 bottom of page 3826?

12 A. Yes.

13 Q. Go ahead and look at that report. Take a
14 moment to look at that report, and when you've
15 refreshed your memory what day you went to the motel
16 in Albuquerque, go ahead and look up at me.

17 A. November 20.

18 Q. Did that refresh your memory when you went
19 to the motel in Albuquerque?

20 A. Yes.

21 Q. Was that November 20, 2012?

22 A. Yes.

23 Q. How did you come to go to the apartment --
24 or excuse me, the motel that day?

25 A. I had spoke with Andrew's mom the day

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1 before, and she said that we needed --

2 Q. Hold on one second. Just let me ask you a
3 couple of questions. The day before, did you speak
4 with Joe and Andrew's mother?

5 A. Yes.

6 Q. And what's her name?

7 A. Tina Gallegos.

8 Q. And based on that conversation, did you
9 then go to Tina's -- Tina Gallegos' house?

10 A. Yes.

11 Q. What happened when you went to Tina
12 Gallegos' house?

13 A. I spoke with her and she said that she
14 had --

15 Q. Hold on. Just don't -- sorry. Don't tell
16 us what she said.

17 A. Okay.

18 Q. When you went to Tina's house, was this
19 the same day you went to the motel on November 20?

20 A. Yes.

21 Q. When you were at Tina Gallegos' house, did
22 anyone else come and meet you at the house?

23 A. Angela Gallegos.

24 Q. What happened after Angela Gallegos came
25 and met you at the house?

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1 A. We went to Albuquerque.

2 Q. And where in Albuquerque did you go?

3 A. To the Imperial Hotel.

4 Q. Was it at the Imperial Motel that you met
5 up with Joe and Andrew Gallegos?

6 A. Yes.

7 MR. BECK: Your Honor, the United States
8 at this time moves to admit Government's Exhibits
9 487, 488, 491, 492, and 522.

10 THE COURT: So it's four exhibits? Or 522
11 is the last one? Any objections to those?

12 MR. BENJAMIN: I was just going to
13 clarify, Your Honor. I think those are the emails.

14 MR. BECK: Yes.

15 THE COURT: So there are five exhibits?

16 MR. BECK: Yes, Your Honor.

17 THE COURT: Any objection? Not hearing or
18 seeing any objection, Government's Exhibits 487,
19 488, 491, 492 and 522 will be admitted into
20 evidence.

21 (Government Exhibits 487, 488, 491, 492,
22 and 522 admitted.)

23 BY MR. BECK:

24 Q. Where in Albuquerque was the motel that
25 you went?

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1 A. To the Imperial on Central.

2 Q. I'm going to show you what's been admitted
3 as Government's Exhibit 487.

4 A. That's the motel.

5 Q. Is that the motel that you went to on
6 November 20?

7 A. Yes.

8 Q. And is that the Imperial Inn Motel?

9 A. Yes.

10 Q. I'm showing you Government's Exhibit 488.

11 What is that a photograph of?

12 A. Angela's Jeep.

13 Q. And how did you and Angela drive from Tina
14 Gallegos' house to the Imperial Inn Motel?

15 Q. In that Jeep.

16 Q. And where is this picture taken?

17 A. Outside of the hotel.

18 Q. I'll show you Government's Exhibit 491.

19 What is in that photograph?

20 A. That's the hotel room.

21 Q. And Government's Exhibit 492.

22 What's in that photograph?

23 A. That's inside the hotel room.

24 Q. When you arrived to the motel with Angela
25 Gallegos, what did you do?

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1 A. Talked to Andrew, kept telling him to turn
2 himself in. He said for me to shut the fuck up.

3 Q. All right. So how long were you in the
4 motel room with Andrew?

5 A. Like four hours.

6 Q. During that time, why did you tell him to
7 turn himself in?

8 A. Because the State Police were going to the
9 house telling his mom that if they found --

10 MS. TORRACO: Objection.

11 THE COURT: Are you trying to get any more
12 than this?

13 MR. BECK: No, Your Honor.

14 THE COURT: Let's ask another question.

15 BY MR. BECK:

16 Q. Was it based on -- was it based on
17 conversations you'd had with Tina Gallegos?

18 A. Yes.

19 Q. Is that why you were telling Andrew to
20 turn himself in?

21 A. Yes.

22 Q. What did Andrew -- let me ask you another
23 question: When you asked him to turn himself in,
24 what did he say to you?

25 A. To shut the fuck up, that they were going

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1 to pin it on him anyway.

2 Q. I'm going to show you Government's Exhibit
3 522 again. I'm not sure if I did, but I'll show you
4 Government's Exhibit 522.

5 What's that a photograph of?

6 A. The van.

7 Q. And did you and Andrew talk about this van
8 when you were in the hotel room with him on November
9 20?

10 A. Yeah. They said for me to take it,
11 because they were looking for it.

12 Q. Who did you understand -- let me ask you:
13 Who told you to take the van?

14 A. Andrew.

15 Q. And who did you understand him to mean
16 when he said they were looking for it?

17 A. The police.

18 Q. Did Andrew -- well, let me ask you: Did
19 you and Angela do anything in relation to this van?

20 A. We took a tire.

21 Q. Where did you take the tire from?

22 A. Joe's house.

23 Q. Is that --

24 A. To the hotel.

25 Q. Okay. So did you bring it from Joe's

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1 house in Los Chavez to the motel in Albuquerque?

2 A. Yes.

3 Q. And at some point, did you and Angela go
4 to her car to retrieve the tire?

5 A. Yes.

6 Q. What happened?

7 A. We got -- we went to the car and got the
8 tire out of the car. We put the tire in the
9 truck -- in the van, closed the door, and the
10 Marshals came and arrested us.

11 Q. Were you ever able to take this van away,
12 as Andrew told you to do?

13 A. No.

14 Q. Why?

15 A. Because I got arrested.

16 Q. When the Marshals came on November 20,
17 2012, did they arrest you that night?

18 A. Yes.

19 Q. Is that the night that you interviewed
20 with State Police?

21 A. Yes.

22 Q. And for how long -- what were you arrested
23 for that night?

24 A. Harboring and aiding a fugitive, two
25 counts.

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1 Q. And did you spend time in jail after that?

2 A. I stayed in jail for 14 days.

3 Q. Have you ever been convicted of that
4 crime?

5 A. No.

6 Q. When you were in the -- when you were in
7 the motel room with Andrew, did you and he discuss
8 money that he had?

9 A. Yes.

10 Q. Tell us about that. What happened?

11 A. I asked him why he had \$430. He said it
12 was from the ice cream truck that they had.

13 Q. Hold on, hold on one second. Sorry, I
14 didn't quite hear that. You asked him --

15 A. Can you hear me now?

16 Q. Yes, much better.

17 A. I asked him why he had \$430. He said it
18 was from an ice cream truck that him and Joe had cut
19 up.

20 Q. How did you know that Andrew Gallegos had
21 \$430?

22 A. Because his niece's -- niece's boyfriend
23 told me.

24 MR. BENJAMIN: Objection, hearsay, Your
25 Honor.

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1 THE COURT: I think --

2 MR. BECK: I'm not --

3 THE COURT: I think I better strike that
4 one.

5 MR. BECK: I'm not offering that for the
6 truth of the matter asserted, Your Honor. I'm
7 offering it for why she asked Andrew Gallegos about
8 the money.

9 THE COURT: Well, I'm not sure. You can
10 approach me and explain how that's terribly
11 important, but I don't think it is, so I'll strike
12 it. She's got another question out there, so strike
13 the answer.

14 BY MR. BECK:

15 Q. And why did you ask Andrew -- let me -- I
16 just asked you that question and you gave me a
17 different answer. Did it strike you as odd that
18 Andrew Gallegos had \$430?

19 A. Yeah.

20 Q. Why?

21 A. Because it wasn't the first.

22 Q. Do what?

23 A. Yes, because it wasn't the first.

24 Q. What do you mean? Do you mean the first
25 of the month?

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1 A. Yes.

2 Q. Why is that significant?

3 A. Because on the first of the month he gets
4 his Social Security.

5 Q. Was Andrew working at this time?

6 A. No.

7 Q. What happened -- so if he gets his Social
8 Security check on the first of the month, why did
9 you think it was odd that he would have \$430 later
10 in the month?

11 A. Because he never had money like that. He
12 would have like, \$50, you know, \$20, but never that
13 much money.

14 Q. Did Andrew Gallegos confirm to you that he
15 did have that money at that time?

16 A. Yes.

17 Q. And what did he tell you -- where did he
18 tell you he got it from?

19 A. From Green Eyes. It was Spider's.

20 Q. Who is Green Eyes?

21 A. One of their friends.

22 Q. And who is Spider?

23 A. Their cousin.

24 Q. Did -- did you know a gentleman by the
25 name of -- or know about a gentleman by the name of

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1 Babylon?

2 A. Never met him.

3 Q. Who is Babylon?

4 A. Their drug dealer.

5 Q. And during the November 2012 time period,
6 how many drug dealers did you know that Andrew
7 Gallegos had?

8 A. Three or four.

9 MR. BENJAMIN: Objection.

10 MS. TORRACO: Objection.

11 THE COURT: I think this is a foundational
12 question. Why don't you ask her first if she knows.

13 BY MR. BECK:

14 Q. Do you know if Andrew Gallegos had more
15 than one drug dealer at that time?

16 A. Yes.

17 Q. How do you know that?

18 A. Because I would be right there when he was
19 calling them.

20 Q. And how many drug dealers was Andrew
21 Gallegos calling in the November 2012 time period?

22 A. Like about two or three.

23 Q. I'm going to ask you to identify some
24 phone calls of Andrew Gallegos.

25 MS. TORRACO: Can we approach on this,

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1 Your Honor?

2 THE COURT: You may.

3 (The following proceedings were held at
4 the bench.)

5 THE COURT: When you say identify some
6 phone calls, are these going to be played?

7 MR. BECK: Yeah, I'm going to move them
8 into evidence.

9 THE COURT: Who are these phone calls
10 between? I assume Andrew Gallegos and somebody
11 else?

12 MR. BECK: Andrew Gallegos, and he's
13 calling Charlene Baldizan. Some of the portions
14 we're going to play are portions where his mother
15 gets on the phone and he's talking to his mother.

16 MS. TORRACO: So, first of all, we object
17 based on the statements of Charlene because they're
18 out-of-court statements, so they're hearsay. So
19 what I would ask is that he just question her about
20 the phone calls, and if there needs to be
21 impeachment, I believe playing the audios would be
22 proper. But at this point her -- when she made
23 these calls, it's hearsay. Those are her
24 out-of-court statements, and especially that of the
25 mother.

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1 THE COURT: I don't know what she's going
2 to say. I can't really rule whether they're out or
3 not. But I think his statements do come in, and so
4 what I can do is after we listen to them, we
5 consider a limiting instruction. We can take them
6 one at a time and figure out which ones a limiting
7 instruction should be given, and which not. I might
8 need a transcript to do that in a correct way, but I
9 don't think -- I think they're going to probably
10 come in.

11 MS. TORRACO: Would you consider --

12 THE COURT: Is this a phone call between
13 you and Mr. Gallegos?

14 MR. BENJAMIN: Your Honor, could I proffer
15 something?

16 MS. TORRACO: Wait, I'm still talking.
17 Would you consider listening to the audios outside
18 the presence of the jury?

19 THE COURT: Well, I could, but I think
20 it's a waste of time. I mean, these things are
21 coming in against him, so --

22 MS. TORRACO: Well, I guess what I'm
23 saying is, Your Honor, you're saying you're going to
24 let it in regardless, and just limit --

25 THE COURT: The question is when I give a

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1 limiting instruction, and I'll probably need a
2 transcript to look at and say this one gets a
3 limiting instruction and this doesn't. So it's
4 going to be a very limited thing. I mean, sometimes
5 it's conversations, they're not hearsay on the other
6 side.

7 MR. BENJAMIN: Your Honor, if I may,
8 having reviewed the calls, 756 Tina, Andrew's
9 mother, is waiting for the brothers to call. It's
10 Mother's Day. She says she hasn't heard from the
11 brothers. That's essentially the extent of that
12 call. There is nothing I would, say, rely on there.
13 I think it's misleading and wasteful of time.

14 757 -- and that's -- these are p.m.
15 exhibit numbers, Your Honor; it could be styled as
16 something, but it's conversation between Andrew and
17 Tina, where she says he -- Cunte said to be cool,
18 Andrew says it's too late for that. I can
19 understand that being styled as a possible
20 admission. Without more context it's vague, is
21 misleading, and wasteful of the jury's time. 75
22 Charlene says she -- doesn't say she's talked to
23 him, but Cunte said don't get involved in that shit.

24 There is no context to these calls, Your
25 Honor, they're about a minute, 30 seconds of each

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1 call and the Court can see this is the prefix that
2 is a call for a correctional facility, so forth and
3 so forth. Your Honor, I think they're all
4 misleading and wasteful of time and more
5 importantly, calls at that time, that will discuss
6 Mother's Day. I think it impermissibly tries to
7 smear the brothers on what is truly a call on
8 Mother's Day, whether she's heard from the brothers
9 or not. So it's this line that I think they've
10 crossed where they're trying to rope in family
11 members simply based on family members, without
12 anything to substantiate that.

13 MR. BECK: In 756 Andrew Gallegos tells
14 his mom, "When you talk to Cunte, tell him that I am
15 with all the homies. Tell Charlene that the homies
16 are taking care of each other," so there are -- the
17 portions that I'm going to play relate to SNM
18 activity. Andrew Gallegos' defense, one of them is
19 that he's not an SNM member. It's important for the
20 jury to hear these so we can prove our case that he
21 is an SNM member.

22 THE COURT: Well, I think there is enough
23 relevancy here that outweighs any prejudice. I
24 think most of the things you have are going to
25 weight rather than to relevancy, so I'll overrule

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1 the objection.

2 MR. BENJAMIN: Your Honor, can I have an
3 objection to all five calls?

4 MR. BECK: I'm going to play six calls.

5 MR. BENJAMIN: I listened to all six. I
6 guess I didn't take notes on all six.

7 MS. TORRACO: What about the statements
8 with regard to Tina? Doesn't she need to be on the
9 stand, or how are you going to deal with that?
10 Those are calls between Andrew and Tina Gallegos.

11 THE COURT: But is she still on the phone?

12 MR. BECK: Yes.

13 THE COURT: So she started the
14 conversation?

15 MR. BECK: She started the conversation.

16 THE COURT: I think it will be enough to
17 identify Mr. Gallegos is on the other end, and
18 that's probably the important thing.

19 (The following proceedings were held in
20 open court.)

21 THE COURT: All right, Mr. Beck.

22 MR. BECK: Thank you, Your Honor. The
23 United States moves to admit 754, 755, 756, 757,
24 851, and 852.

25 THE COURT: All right. Anything else from

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1 any other defendant on those? Not hearing any,
2 Government's Exhibits 754, 755, 756, 757, 851, and
3 852 will be admitted into evidence.

4 (Government Exhibits 754 through 757, 851
5 and 852 admitted.)

6 MR. BENJAMIN: And Your Honor, based upon
7 the statements, Mr. Gallegos would ask for a
8 limiting instruction.

9 THE COURT: Are these all Andrew Gallegos?

10 MR. BECK: They are, Your Honor.

11 THE COURT: So these statements can only
12 be used against Mr. Andrew Gallegos in your
13 deliberation of the charges against him. They
14 cannot be used in any way against any other
15 defendant in the courtroom.

16 All right. Mr. Beck?

17 MR. BECK: Will you please play Exhibit
18 754?

19 (Tape played.)

20 BY MR. BECK:

21 Q. Please press pause.

22 Ms. Baldizan, who is placing the call in
23 this recording?

24 A. Andrew.

25 Q. Okay. And did you recognize his voice

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1 when the call started?

2 A. Yes.

3 Q. And who is he talking to in this call?

4 A. Me.

5 MR. BECK: I'm going to go forward to
6 about one minute, 40 seconds on this call.

7 (Tape played.)

8 BY MR. BECK:

9 Q. And that portion of the call, Ms.
10 Baldizan, did you hear Andrew Gallegos talking about
11 going to the yard to establish himself?

12 A. Yes.

13 MS. TORRACO: May we approach on this
14 issue, please?

15 THE COURT: You may.

16 (The following proceedings were held at
17 the bench.)

18 THE COURT: What does that phrase mean,
19 "to establish himself"?

20 MR. BECK: It's to establish himself as
21 one of the SNM inmates in the pod, establish
22 himself.

23 THE COURT: That's what you're thinking?

24 MR. BECK: Right.

25 MS. TORRACO: And what we think it means

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1 is the fact that Andrew Gallegos has a rape
2 conviction, and people who have rape convictions are
3 in danger at the prison. And therefore he needs to
4 show that, you know, it was either a false
5 accusation or he was unjustly accused. Because
6 otherwise he's in danger.

7 I don't want to bring out the fact that he
8 has a criminal sexual penetration conviction. So
9 I'm asking that the Court order the Government to
10 tread very lightly, and that the CSP conviction is
11 not admissible and should not be blurbed out with
12 it.

13 THE COURT: Well, I think this evidence is
14 admissible. I know it creates some issues for you,
15 and we'll just have to decide how to deal with them.
16 But I do think that the Government has a plausible
17 interpretation as to what it is. I don't think I
18 can preclude them from bringing that evidence out.
19 I know it creates -- you'll have to make some
20 choices, but --

21 MS. TORRACO: Are you saying -- I
22 understand why you've ruled that the phone call
23 comes in. Are you saying that the nature of the
24 conviction comes in, because --

25 THE COURT: No, no, that's your call.

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1 MS. TORRACO: So we're arguing --

2 THE COURT: He isn't taking the stand,
3 that doesn't come in, and we'll keep it, but if you
4 decide --

5 MS. TORRACO: I understand. So I'm
6 objecting to the nature of the conviction under 403
7 and you're --

8 THE COURT: It's not 403.

9 MS. TORRACO: It's pretty prejudicial.

10 THE COURT: He hasn't taken the stand yet,
11 so it can't come in to test his credibility, so
12 until he takes the stand, either his character or
13 credibility is at issue, so the Government can't
14 bring it out.

15 MS. TORRACO: Okay. So that's my concern.
16 So what I'm saying is, if it comes out through this
17 witness, through the Government, I'm going to ask
18 for a mistrial, if it comes out.

19 MR. BECK: Sure. I don't anticipate it
20 will.

21 THE COURT: All right. Maybe during the
22 break you can remind her to not bring that out.

23 MR. BECK: Sure, happy to do that. We've
24 never talked about it.

25 THE COURT: Nothing, but if she knows, or

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1 something, about his criminal history.

2 MS. TORRACO: I'm sure she knows.

3 MR. BECK: I don't know.

4 THE COURT: You don't have any problem
5 with him cautioning her?

6 MS. TORRACO: Absolutely not. I would
7 like him to, but it needs to be done in a way that
8 you're not alerting the jury.

9 THE COURT: You might lead her through
10 this. And you'll know why she's being led.

11 MS. TORRACO: Sure, thank you.

12 (The following proceedings were held in
13 open court.)

14 THE COURT: All right, Mr. Beck.

15 BY MR. BECK:

16 Q. So, Ms. Baldizan, did you hear in that
17 portion of the conversation, Mr. Gallegos -- Andrew
18 Gallegos saying he needed to go out to the yard to
19 establish himself with the homies?

20 A. Yes.

21 Q. Now, I'm going to play portions of -- a
22 portion of Exhibit 755 for you.

23 (Tape played.)

24 Q. Please press pause.

25 Who are the voices in this call?

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1 A. Me, Andrew, and Tina.

2 Q. And is that -- is that Tina, his mother?

3 A. Yes.

4 Q. Who is Cunte, that you told him called?

5 Q. His brother.

6 Q. And did you hear in that conversation, you
7 tell him that Cunte said to stay out of everything
8 and not get involved?

9 A. Yes.

10 Q. Did you hear Andrew say it's too late for
11 that, he already is?

12 A. Yes.

13 Q. I'm going to play Government's Exhibit 756
14 for you. Well, let me ask a question before I do
15 that. Are these calls, are they longer
16 conversations than just the portions we're playing
17 today?

18 A. Yeah.

19 Q. Okay.

20 A. But I don't -- I don't understand. What
21 do you mean?

22 Q. I'm just asking, are we just playing for
23 the jury?

24 A. Oh, yeah, you're just playing a portion of
25 the conversation, yes.

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1 Q. Okay. And are the conversations about 20
2 minutes in length?

3 A. Yes.

4 Q. All right.

5 THE COURT: Mr. Beck, could I use this
6 time to ask the jury how they'd like to handle lunch
7 today?

8 MR. BECK: Sure, Your Honor. Do y'all
9 want to take a 15-minute break and take a late
10 lunch, or do you just want to go to lunch now?

11 How many want to take a 15-minute break
12 now? So just about everybody.

13 All right. So we'll be in recess for
14 about 15 minutes. All rise.

15 (The jury left the courtroom.)

16 THE COURT: Do y'all know when Yvonne
17 Madrid is coming up? How quickly is that?

18 MR. BECK: I anticipate it will be
19 probably at the beginning of next week.

20 MS. ARMIJO: Not this week.

21 THE COURT: All right. We'll be in recess
22 for about 15 minutes.

23 (The Court stood in recess.)

24 THE COURT: Looks like we've got all the
25 defendants in the courtroom. I think we've got an

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1 attorney for each defendant. Anything we need to
2 discuss before we bring the jury in, Mr. Beck?

3 MR. BECK: Not from the Government, Your
4 Honor.

5 THE COURT: How about from the defendants,
6 anything?

7 MS. HARBOUR-VALDEZ: No, Your Honor.

8 THE COURT: All rise.

9 (The jury entered the courtroom.)

10 THE COURT: Everyone be seated. All
11 right, we've got Ms. Baldizan.

12 MR. BECK: I think she's -- she's on her
13 way back from the restroom.

14 THE COURT: All right.

15 Ms. Baldizan, if you would return to the
16 witness box, I remind you that you're still under
17 oath.

18 All right, Mr. Beck, if you wish to
19 continue your direct exam of Ms. Baldizan, you may
20 do so at this time.

21 MR. BECK: I do, Your Honor, thank you.

22 THE COURT: Mr. Beck?

23 BY MR. BECK:

24 Q. Ms. Baldizan, I'm now going to play for
25 you portions of Exhibit 726 -- 756, I'm sorry. 756.

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1 (Tape played.)

2 Q. Please press pause.

3 Who is talking in this portion of the
4 conversation?

5 A. Andrew and Tina.

6 Q. And did you hear when Tina said that she
7 was waiting for Cunte to call? Did you hear Andrew
8 say, when you talk to him, tell him I'm with all the
9 homies?

10 A. Yes.

11 | 0. Please press play.

12 | (Tape played.)

13 Q. Please press pause. Who is talking about
14 that portion of the conversation?

15 A. Andrew.

Q. And who was talking with Andrew?

17 A. And me.

18 Q. Did you hear Andrew say that all the
19 brothers are in the pod and they're taking good care
20 of each other?

21 A Yes

Q. Did you hear Andrew say Simone. Simone?

23 A. Yes.

24 Q. Have you heard him say that before?

25 A. Yes.

1 Q. What does that mean?

2 A. Like yeah, like yes.

3 Q. Please press play.

4 (Tape played.)

5 Q. Is that you and Andrew talking?

6 A. Yes.

7 Q. And did you hear him say -- tell you to
8 tell the brothers that he's there with the brothers
9 Wacky, Daffy, Chacon, and Looney?

10 A. Yes.

11 Q. Do you know who those people are?

12 A. No.

13 Q. I'm going to play for you portions of
14 Exhibit 757 now.

15 (Tape played.)

16 Q. Please press pause.

17 Who is talking in this portion of the
18 conversation?

19 A. Andrew and Tina.

20 Q. And did you hear Tina, Andrew's mom, tell
21 him that Cunte told him to tell everyone that you're
22 his brother, but to kick back and do your time, and
23 not get into trouble?

24 A. Yes.

25 Q. And did you hear Andrew Gallegos respond,

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1 "It's already too late for all that, homes"?

2 A. Yes.

3 Q. Where is Andrew when he's making these
4 calls?

5 A. In the Los Lunas prison.

6 Q. And is he calling you, or are you calling
7 him?

8 A. He's calling me.

9 Q. I'm going to play portions of Exhibit 851
10 for you now.

11 (Tape played.)

12 Q. In the first portion of that clip we
13 heard, who was talking in that portion?

14 A. In the beginning of the phone call?

15 Q. Yes.

16 A. Me and Andrew.

17 Q. Did you then hand the phone to Andrew's
18 mother?

19 A. Yes, I handed the phone to Tina.

20 Q. And when Tina got on the phone, did you
21 hear Andrew ask if his mom has talked to Cunte?

22 A. Yes.

23 Q. And did you hear him tell his mom to tell
24 Cunte that he's being housed with Wacky, Chacon,
25 Daffy, Gato, and Johnny Ray?

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1 A. Yes.

2 Q. Do you know who they are?

3 A. No.

4 Q. Did you hear him tell his mom to tell
5 Cunte that he is going to be moved to Cruces with
6 all the brothers?

7 A. Yes.

8 Q. Did you hear him say that that was anyone
9 who was an SNM member?

10 A. Yes.

11 Q. Do you know what he was referring to when
12 he said moving to Cruces?

13 A. That he was going to be housed in Las
14 Cruces for the rest of his term -- sentence.

15 Q. Is that the Southern New Mexico
16 Correctional Facility?

17 A. Yes.

18 Q. And I'm going to play portion of Exhibit
19 852 for you.

20 (Tape played.)

21 Q. Please press pause.

22 In that first portion of this clip, who is
23 talking?

24 A. Me and Andrew.

25 Q. And then did he just hand the phone -- did

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1 you just hand the phone to his mother?

2 A. Yes.

3 Q. Please press play.

4 (Tape played.)

5 Q. Please press pause.

6 Did you hear Andrew and his mother
7 discussing the list of names that Andrew had
8 provided before?

9 A. Yes.

10 Q. Did you hear his mother say that she had
11 passed those list of names on to Cunte?

12 A. Yes.

13 Q. Please press play.

14 (Tape played.)

15 Q. Please press pause.

16 In that portion of the conversation, did
17 you hear Andrew Gallegos talking about someone who
18 moved to Colorado or Virginia?

19 A. Yes.

20 Q. And did you hear him say Dan Dan or Daniel
21 Sanchez?

22 A. Yes.

23 Q. Do you know who Daniel Sanchez is?

24 A. No.

25 Q. Do you know who Dan Dan Sanchez is?

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1 A. No.

2 Q. At the end of that conversation, did you
3 hear Andrew Gallegos tell his mother to tell his
4 carnal amor?

5 A. Yes.

6 Q. Have you heard Andrew Gallegos use the
7 term "carnal" before?

8 A. Yes.

9 Q. Did you hear him say that he has paperwork
10 on Oso in his room?

11 A. Yes.

12 Q. Do you know what paperwork means?

13 A. Probably when you ratted.

14 Q. Say that one more time, I'm sorry.

15 A. Probably, like, they think that you
16 ratted, like paperwork with your statements.

17 Q. Okay. Do you know who Oso is?

18 A. No.

19 Q. All right. When you were arrested by the
20 Marshals on November 20, 2012, with the Gallegos
21 brothers, do you remember that?

22 Q. Yes.

23 Q. Did the U.S. Marshals seize cell phones
24 that they found in the hotel room?

25 A. Yes.

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1 Q. Did they seize cell phones that they found
2 in Angela's van?

3 A. Yes. Angela's Jeep.

4 Q. Thank you, Angela's Jeep.

5 A. Yes.

6 Q. If I showed you those cell phones, would
7 you recognize them and be able to tell us who some
8 of the phones belong to?

9 A. Yes.

10 MR. BECK: May I approach, Your Honor?

11 THE COURT: You may.

12 MR. BECK: Or actually, may I publish to
13 the jury? And I'll move to conditionally admit
14 Government's Exhibit 346 and 347 at this time.

15 THE COURT: Is there any objection from
16 any defendant to those being conditionally admitted?

17 MR. BENJAMIN: No, Your Honor.

18 THE COURT: Not seeing or hearing any
19 objections, Government's Exhibits 346 and 347 will
20 be conditionally admitted.

21 (Government Exhibits 346 and 347
22 conditionally admitted.)

23 BY MR. BECK:

24 Q. All right. And I'm going to show you, on
25 that screen next to you, this is Government's

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1 Exhibit 346.

2 Do you recognize what's in Government's

3 Exhibit 346?

4 A. Phone.

5 Q. And whose phone is it?

6 A. Joe's phone.

7 Q. Joe Gallegos' phone?

8 A. Yes.

9 Q. I'll show you Government's Exhibit 347.

10 Do you recognize the phone with the orange
11 lettering in 347?

12 A. That's my phone.

13 Q. Have you received this phone back since
14 November 20, 2012?

15 A. No.

16 Q. Is today the first time you've seen that
17 phone since November 20, 2012?

18 A. Yes.

19 Q. And I'm going to show you another phone,
20 in 347, that has a large screen and Cricket on the
21 top. Do you recognize that phone?

22 A. Yes.

23 Q. Whose phone is that?

24 A. That's Andrew's -- I don't know his
25 girlfriend, I guess, Shelly's.

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1 Q. And can you see that that phone also has a
2 cracked screen there?

3 A. Yes.

4 Q. Looks like there is a second Cricket phone
5 with orange lettering on it. Do you know whose
6 phone that is?

7 A. No.

8 Q. Okay. And so do you know which of these
9 two Cricket phones with the orange lettering on them
10 is yours, versus someone else's?

11 A. Mine is the top one, because I had that
12 black case on the back because I didn't have a back.

13 MR. BECK: May I have a moment, Your
14 Honor?

15 THE COURT: You may.

16 BY MR. BECK:

17 Q. Do you remember the time period of the
18 calls that we admitted into evidence? The calls we
19 went over, the jail calls?

20 A. Do I remember that?

21 Q. Do you remember when those calls occurred?

22 A. In May, 2015, I think.

23 MR. BECK: Thank you. No further
24 questions, Your Honor.

25 THE COURT: Thank you, Mr. Beck.

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1 Ms. Torraco, do you have cross-examination
2 of Ms. Baldizan?

3 MS. TORRACO: Yes, Your Honor, thank you.

4 THE COURT: Ms. Torraco?

5 CROSS-EXAMINATION

6 BY MS. TORRACO:

7 Q. Good morning. How are you?

8 A. Good.

9 Q. Are there 10,000 places you would rather
10 be right now?

11 A. One of my three jobs, yeah.

12 Q. Yeah, I'm sure. Okay, so you dated Andrew
13 Gallegos on and off for many years; right?

14 A. Yes.

15 Q. But you told the jury that it was
16 horrible, and that can't be 100 percent true;
17 correct?

18 A. That is 100 percent true.

19 Q. So you kept going back to him even though
20 it was horrible?

21 A. Yeah, because when you love somebody, you
22 do that.

23 Q. Okay. So you had feelings for him, right,
24 and you had strong feelings for him?

25 A. Yeah.

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1 Q. And you loved him off and on; correct?

2 A. Right.

3 Q. And so as a result, how many years do you
4 think that you guys were together?

5 A. I don't even know.

6 Q. Okay. But it was many?

7 A. Yes.

8 Q. Starting when you were 18?

9 A. Yes.

10 Q. And now you're in your 30s, I think?

11 A. I'm 36.

12 Q. Okay. So you've known him for a long
13 time, and you were not even seeing him in 2012, when
14 you got the call that he wanted you to come over,
15 and that's when he was in the motel; right?

16 A. No.

17 Q. Oh, I thought that you guys -- that you
18 hadn't been in communication?

19 A. I did -- he texted me two days before they
20 raided his house, and told me to go to Joe's house.

21 Q. Okay. And so prior to that?

22 A. I hadn't talked to him for months.

23 Q. Okay. So there is obviously some
24 connection that you guys have, because when he
25 contacts you, you responded?

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1 A. Right.

2 Q. Okay. So you guys had some strong
3 friendship, maybe it's fair to say that, some strong
4 relationship?

5 A. Whatever.

6 Q. Sort of bond?

7 A. Yeah.

8 Q. And you were willing to help him?

9 A. Right.

10 Q. And even into 2015, you took his calls,
11 and talked to him when he was in jail?

12 A. Yes.

13 Q. Prison is probably a very lonely place;
14 isn't that true?

15 A. I wouldn't know.

16 Q. Okay. Well, would you know, based on your
17 conversations with Andrew, that prison was a hard
18 place to live?

19 A. Yes.

20 Q. Okay. And you know, based on your
21 conversations with Andrew, that prison was probably
22 very lonely, as well?

23 A. Right.

24 Q. And you also know that Andrew had some
25 very genuine concerns for his safety; isn't that

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1 true? Didn't he share with you he was concerned
2 about his safety?

3 MR. BECK: Objection, Your Honor, hearsay.

4 MS. TORRACO: Well, it goes to her state
5 of mind.

6 THE COURT: I don't think I understand how
7 her state of mind would be important on that issue,
8 so I'll sustain.

9 MS. TORRACO: Okay, thank you, Your Honor.

10 BY MS. TORRACO:

11 Q. So let's -- we'll start from the
12 beginning. So you guys started -- you met each
13 other when you were 18?

14 A. Yeah.

15 Q. And at that time you knew that he had been
16 in East Side Locos; right?

17 A. Yes.

18 Q. And he had, like, some tattoos on him that
19 were East Side Locos; right?

20 A. Right.

21 Q. And that was something that he did in
22 middle school and high school; correct?

23 A. I don't know.

24 Q. Okay. Was he active East Side Locos when
25 you were together? He wasn't going out and gang

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1 banging; right?

2 A. No.

3 MR. BECK: Your Honor, may we approach
4 briefly?

5 THE COURT: You may.

6 (The following proceedings were held at
7 the bench.)

8 MS. TORRACO: While they're coming up
9 here, Your Honor, I want to address the issue
10 about -- I want to address the issue about asking
11 the witness about she had reason to know he was
12 afraid. Because he has that CSP conviction. She
13 knew that he was at risk in the prison, and that's
14 why he asked her for help in getting his paperwork.

15 THE COURT: What do you mean, his
16 paperwork?

17 MS. TORRACO: His plea and the police
18 report and all those supporting documents, because
19 he needed to show people that the person applied and
20 that's why he had the conviction. So it goes to her
21 state of mind as to why she would help him.

22 THE COURT: Yeah, but I just don't think
23 it's terribly important what her state of mind is.
24 I think you can get it like we had with Mr. Beck, if
25 you just want to say, look, based on the

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1 conversations that you had with him, did he ask you
2 to get the paperwork and you did it, I don't think
3 you need to go through a state of mind to get that
4 evidence in.

5 MS. TORRACO: Okay.

6 MR. BECK: And I just -- I called everyone
7 up here because I noticed that Billy Garcia was
8 falling asleep. I just wanted to --

9 MR. COOPER: And Bob Cooper.

10 MS. TORRACO: Sorry I'm boring you.

11 THE COURT: I'll just have everybody
12 stretch a little bit here.

13 MR. BECK: I think that's a good idea.

14 THE COURT: One thing I want to do, I
15 think you were closer to right than I was at the
16 last bench conference, Ms. Torraco. Given that
17 we've had this many statements by Andrew Gallegos, I
18 think that he could be impeached with his
19 conviction.

20 So I think under 609, he could be
21 convicted -- impeached, but I would 403 that. You
22 said 403, and I think you were right in the end,
23 because the statements coming in were 403. So many
24 times you have a case where you don't have some of
25 these statements in, but here we did have a

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1 statement, so I would be 403-ing it if you want to
2 bring it in. Then that's no 403 concerns, but I
3 would probably keep it out. Not probably. I'll
4 keep it out on 403, so it's technically 403 rather
5 than 609.

6 MS. TORRACO: Thank you.

7 (The following proceedings were held in
8 open court.)

9 THE COURT: Why don't we all stand and
10 stretch a little bit? I know we're going to go for
11 a little bit longer, but stretch. It's part of my
12 job to keep everybody alert.

13 All right, let's give it another try.

14 All right. Ms. Torraco, if you wish to
15 continue your cross-examination of Ms. Baldizan, you
16 may do so at this time.

17 MS. TORRACO: Thank you, Your Honor.

18 BY MS. TORRACO:

19 Q. So when you two were together, he wasn't
20 active in the East Side Locos; right?

21 A. No.

22 Q. And you guys didn't hang out, and you
23 weren't the girlfriend of the East Side Loco guy
24 that was driving around town, that just wasn't the
25 kind of relationship you guys had; right? East Side

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1 Locos was something that he did when he was in high
2 school or middle school, because that was before he
3 met you; right?

4 A. I wouldn't know.

5 Q. Well, you know that he didn't --

6 A. I know that he didn't gang bang. I mean,
7 I don't know what you want me to tell you.

8 Q. I don't want you to tell me anything other
9 than the truth. And so he didn't throw up gang --

10 A. No.

11 Q. Okay. And so when he was with you,
12 though, you guys weren't active in a gang; isn't
13 that true?

14 A. No.

15 Q. And you weren't the girlfriend of the gang
16 member; right? Because that's not what you want to
17 be; correct?

18 A. But I was, and I didn't know.

19 Q. Okay. That's what you're thinking now.
20 At the time, he wasn't hanging out with East Side
21 Locos; isn't that true?

22 A. Right.

23 Q. Okay. And so, then, you guys are
24 together, starting from when you're 18. And you
25 sound like you're pretty angry at him. Is that

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1 because he cheated on you, or something? Isn't that
2 true? Did he cheat on you?

3 A. He ruined my life.

4 Q. Okay. So the whole time that you guys
5 were together, when did you, like, first break up?

6 A. I had my son when I was 21.

7 Q. Okay. So you were together for -- 18, 19,
8 20, 21 -- for four years?

9 A. Then he went back and forth to prison,
10 so --

11 Q. Okay. And did you guys keep a
12 relationship while he was in prison?

13 A. We would talk every now and then, but
14 not --

15 Q. Not any kind of commitment?

16 A. No.

17 Q. And you know that he has four brothers;
18 right?

19 A. Yes.

20 Q. And you know that this guy, Cunte, that's
21 his brother, Frankie; right?

22 A. Yes.

23 Q. You know that. So it's really -- did you
24 think it was weird when he would talk about him on
25 the call? That doesn't seem weird at all, did it,

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1 because that's his brother?

2 A. Right.

3 Q. And so he would certainly ask about all
4 sorts of different brothers; right?

5 A. Right.

6 Q. And he'd ask how you're doing; right?

7 A. Right.

8 Q. Ask how his mother is doing, ask how
9 brothers are doing; correct?

10 A. Right.

11 Q. And it was actually pretty nice of you to
12 take his calls and to talk to him for a while. Do
13 you agree with that? I mean, it was nice of you to
14 take his calls.

15 A. Right.

16 Q. So when he's talking about all the
17 brothers, some of those conversations had to do with
18 his blood brothers; isn't that true?

19 A. Yes.

20 Q. And one time when Tina Gallegos was on the
21 phone -- that's his mother; right?

22 A. Yes.

23 Q. That was right around Mother's Day; isn't
24 that true?

25 A. Yes.

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1 Q. And there was some conversation about
2 whether they had talked with all the brothers, and
3 that was in reference to whether or not they had
4 called her for Mother's Day; isn't that true?

5 A. I don't know.

6 Q. Okay. Isn't it possible that that's
7 exactly the way it could be interpreted?

8 A. Yes.

9 Q. And wasn't it, in fact, on Mother's Day
10 when that call was received?

11 A. One of them, yes.

12 Q. Okay. Now, it's hard to hear, but at the
13 beginning of the call, there is something about --
14 like his voice comes on at something like serious,
15 call is collect, duh, duh, duh, then is says, "a
16 call from" and then there is a statement. What is
17 he saying? It's hard to hear.

18 A. He says, "I love you."

19 Q. He says, "I love you, baby"?

20 A. Yeah.

21 Q. Is that on every single call?

22 A. That I get -- yeah, or that I got.

23 Q. Okay. And so one of the times that he
24 called, he told you that he was moving to Cruces.
25 Do you remember that call? I believe that was one

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1 of the very first ones that Mr. Beck played?

2 A. Yes.

3 Q. Is that like an unusual thing to say?

4 It's not, is it? He's telling you where he's going
5 and what the location is.

6 A. Yeah, because I asked him.

7 Q. Okay. And so, was -- in that
8 conversation, did he say that they're moving Cunte
9 up to Las Cruces, they're moving up -- so they're
10 going to be in the same facility. Was that your
11 understanding of the call?

12 A. No.

13 Q. Did he not say that they're moving Cunte
14 to Las Cruces?

15 A. I didn't hear that.

16 Q. Okay. And wouldn't it be important for
17 you and Tina to know where they're located in the
18 penitentiary system?

19 A. Yes.

20 Q. Because you can't make calls if you don't
21 know where they're at; right?

22 A. Right.

23 Q. Okay. And so when they say that certain
24 people are moved to Colorado or Virginia, that's
25 just keeping in touch with where people are; right?

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1 A. I don't know.

2 Q. Isn't that true?

3 A. I would guess so, yeah.

4 Q. Okay. So when there is reference to phone
5 calls that are people from Belen, people that he
6 hung out with, that's what he meant by homies; isn't
7 that how you interpreted it?

8 A. Yes.

9 Q. That these are all people from the old
10 neighborhood, people that maybe his mother knows;
11 correct?

12 A. And people that -- yeah.

13 Q. Okay. So people like, I think one of the
14 names was Daffy. Wacky. Those are people from
15 the -- that they grew up with in Belen?

16 A. No, I never met those people.

17 Q. Okay. Isn't it true that the way you
18 understood the conversation when he said homies,
19 those are people that he grew up with, from his
20 neighborhood?

21 A. No, because it wasn't me that he was
22 talking to, it was his mom.

23 Q. Okay. But you heard him on the tape, and
24 you were there when he said "homies"; right?

25 Q. She was on the phone with him, so I don't

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1 know what their conversation was. Yes, I heard the
2 phone call today, yes, and I would think that that's
3 what he would mean, his friends.

4 Q. From his hometown?

5 A. No, just his friends.

6 Q. Just his friends are "homies"?

7 A. Yes.

8 Q. And so you don't know anything that was
9 meant on the phone calls between him and Tina; is
10 that correct?

11 A. No.

12 Q. Okay. And so when -- on the call when he
13 says that Cunte, his brother, told him just to kick
14 back. Do you remember all of that conversation?

15 A. Okay.

16 Q. Okay. Do you remember that it was played
17 today, and that was between Andrew and Tina?

18 A. Yes.

19 Q. But you don't know what any of that means;
20 correct?

21 A. Right.

22 Q. So when he said it's too late for that,
23 you don't even know what reference that was to;
24 correct?

25 A. Correct.

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1 Q. Because that wasn't the conversation that
2 you were on.

3 A. Right.

4 Q. And you don't know what the previous
5 conversation was that he had with Tina in order to
6 put things in context; isn't that true?

7 A. Right.

8 Q. So when he initially talks and he asks you
9 to get his paperwork, without talking about the
10 contents of that paperwork, isn't -- that paperwork
11 was his legal court documents; correct?

12 A. Yes.

13 Q. And it was the documents like the police
14 report that were the foundation for the conviction;
15 correct?

16 A. Yes.

17 Q. And it would be maybe any other statements
18 that were given in the case or something like that;
19 correct?

20 A. Yes.

21 Q. And isn't it true that based on you what
22 you know, he didn't want anybody to think he's a
23 rat; isn't that true?

24 A. Yes.

25 Q. So you were willing to get him that

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1 paperwork because it was about himself, and about
2 his own case; isn't that true?

3 A. Right.

4 Q. And so when someone is in the penitentiary
5 system, don't you agree that it's a dangerous
6 system?

7 A. Yes.

8 Q. I wouldn't want to be there, would you
9 want to be there?

10 A. I was going to.

11 Q. When were you going to go to the pen?

12 A. When I got arrested with them.

13 Q. On this case?

14 A. Yes.

15 Q. And, in fact, those charges were dropped;
16 isn't that true?

17 A. I don't even know, honestly, yet.

18 Q. But you know that you've never had to go
19 to the district court on your case?

20 A. Yes.

21 Q. Isn't that true?

22 A. Yes.

23 Q. And you were never indicted on that case;
24 isn't that true?

25 A. Right.

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1 Q. So you were arrested and then dismissed,
2 and nobody has ever brought more charges.

3 A. Right.

4 Q. Okay. And so, have you discussed that
5 with Agent Bryan Acee, who is sitting over here at
6 the Government's table?

7 A. Why does that matter?

8 Q. Well, we can ask the judge if you should
9 answer. If you don't want to answer.

10 A. Exactly. I just want to know why that
11 matters, yeah, so we should.

12 THE COURT: Well, you need to answer the
13 question.

14 A. So no, I haven't talked to him about my
15 charges.

16 Q. Have you talked to him about anything?

17 A. No.

18 Q. You've never met him?

19 A. I met him yesterday whenever I was doing
20 my pretrial.

21 Q. Okay. So you have met him before?

22 A. Yeah, yesterday morning.

23 Q. Okay. And you talked to him before?

24 A. Yes.

25 Q. Okay. And have you talked to anyone else

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1 at the Government's table before?

2 A. Just that -- her -- Maria, I think.

3 Q. Okay. Ms. Armijo?

4 A. Yes.

5 Q. You spoke with her yesterday, as well?

6 A. It was like in passing, like hi.

7 Q. Okay. So the best that you know, you
8 haven't been formally charged on the harboring of
9 the felon?

10 A. Right.

11 Q. Okay. So let's go to that harboring of
12 the felon. When you first contacted -- or Andrew
13 first contacted you, isn't it true that he never
14 told you that he was involved in the Burns murder?

15 A. He never has told me that.

16 Q. Okay. And isn't it true that it's your
17 understanding he was hiding out because it was
18 something to do with a stolen van?

19 MR. BECK: Objection, Your Honor,
20 foundation and hearsay.

21 MS. TORRACO: It goes to her state of mind
22 and why she would be willing to help.

23 THE COURT: Well, I think you can probably
24 get out what you need by just asking her -- just
25 asking her, based upon what Mr. Andrew Gallegos

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1 said, she did something else. But I'm not sure this
2 statement should come in.

3 MS. TORRACO: Okay. Thank you, Your
4 Honor.

5 BY MS. TORRACO:

6 Q. You know that Andrew Gallegos was hiding
7 from the police at that time; right?

8 A. Yes.

9 Q. And you know that Andrew Gallegos was not
10 involved in the Burns murder?

11 A. As far as what he told me.

12 Q. So it was for a different reason that
13 Andrew was in the hotel, other than the police
14 looking for him for the Burns murder; isn't that
15 true?

16 A. I don't know.

17 Q. Okay. Did he ever, without saying the
18 statement, did he ever tell you why he thought the
19 police were looking for him?

20 THE COURT: So it's a yes/no question.

21 A. No.

22 Q. He never told you anything?

23 A. No.

24 Q. Okay. I thought that earlier there was
25 some discussion on direct -- didn't you talk about

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1 an ice cream van?

2 A. That was whenever I got -- yeah, when I
3 got to the hotel, but that was about money.

4 Q. Oh, okay. So --

5 A. And you guys threw that out, he didn't --

6 Q. Okay, let's back up. So when he first
7 contacted you, you didn't know why he was at the
8 hotel; is that correct?

9 A. He didn't even contact me.

10 Q. Okay. It was Angela Gallegos who
11 contacted you?

12 A. Yes.

13 Q. And you were willing to help Angela out,
14 or you were willing to help Andrew out?

15 A. Andrew.

16 Q. Okay. So you were willing to help Andrew
17 out at that time. And then sometime later you find
18 out he's wanted by the police; is that true?

19 A. Yes.

20 Q. Okay. And you found out that he was --
21 excuse me -- you found out that he was wanted by the
22 police for the Burns matter; is that correct?

23 A. On the news, yes.

24 Q. Okay. Because you heard it on the news?

25 A. Yes.

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1 Q. But isn't it true that when you ultimately
2 met with Andrew, that's not why he was hiding out;
3 isn't that true?

4 A. I don't think that's true. I think -- he
5 didn't tell me that.

6 Q. Okay. So then later on, you hear
7 something in the course of them being at the hotel
8 about this ice cream van that they cut up?

9 A. I asked him why he had \$430.

10 Q. Okay. And that was related to the ice
11 cream van?

12 A. Yes.

13 Q. Was Andrew concerned about that ice cream
14 van, based on your observations and --

15 A. No.

16 Q. You didn't think he was concerned about
17 the ice cream van?

18 A. No.

19 Q. Okay. And it was shortly thereafter that
20 you were arrested?

21 A. Yes.

22 Q. Okay. Were you there when Andrew was also
23 arrested?

24 A. I was going down, like, we were going to
25 leave, and they went upstairs, and they arrested

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1 him, so I wasn't in the room when they arrested him.

2 Q. Okay. And you didn't see him arrested?

3 A. No.

4 Q. Did you see him open the door for the
5 officers?

6 A. No.

7 Q. Okay. Now, let's go back to the issues of
8 things that happened at the penitentiary. You were
9 willing to get his court paperwork for him; isn't
10 that true?

11 A. Yes.

12 Q. And part of that, isn't it true, because
13 you wanted him to be safe at the pen; isn't that
14 true?

15 A. Yes.

16 Q. And so that's why you got the paperwork;
17 correct?

18 A. Yes.

19 Q. And that paperwork was his J and S;
20 correct?

21 A. Yes.

22 Q. And his plea; correct?

23 A. Yes.

24 Q. And his police reports?

25 A. Yes.

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1 Q. And you sent that to Andrew at the jail;
2 correct?

3 A. Yes.

4 Q. Were you involved in the call where he had
5 made a comment about he was with the brothers in the
6 pod?

7 A. He told me that, yeah.

8 Q. Okay. And would you agree, based on your
9 relationship with Andrew, that it's important for
10 him to figure out if he's with friend or foe in the
11 pod?

12 A. Yeah.

13 Q. And did it put your mind at ease when he
14 told you that he was with people that he considered
15 brothers?

16 A. No.

17 Q. It didn't put your mind at ease? Did you
18 think that he could possibly still be in danger?

19 A. Yes.

20 Q. And is the fact that Cunte is his
21 brother -- would that also protect him from being --
22 from being harmed, based on what you know?

23 A. Yes.

24 Q. So it wouldn't be surprising if he
25 name-dropped Cunte every now and then, so that he

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1 felt like he could be safe; isn't that true?

2 A. Andrew can take care of himself.

3 Q. I understand that. But in several of his
4 conversations with you, he mentioned Cunte. Do you
5 remember him saying that on those phone calls?

6 A. Yeah, that's his brother.

7 Q. Okay. And that's because it's his
8 brother; right?

9 A. Right.

10 Q. And there were phrases that he used, like,
11 "I'm with all the brothers." Would you agree that
12 that meant he's with all of his friends, or he's
13 with friends? Is that how you took it?

14 A. Yes.

15 Q. And when Tina said to him, you know, Cunte
16 said just to be kicked back, and Andrew's response
17 was it's too late for that, you don't know what that
18 was in reference to, do you?

19 A. No.

20 Q. And you don't know what he was saying was
21 too late?

22 A. No.

23 Q. And when Andrew used the term "carnal," he
24 didn't use that -- or he used that term meaning
25 brother; isn't that right?

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1 A. Yes, but he also calls his friends that.

2 Q. He calls his friends carnal?

3 A. Yes.

4 Q. And he uses the word "amor"?

5 A. Yeah.

6 Q. What does that word mean?

7 A. It means love.

8 Q. It means love?

9 A. Yes.

10 Q. Did he ever say amor to you?

11 A. When we weren't together.

12 Q. Okay. So he would say, like --

13 A. Like, it's like telling somebody other
14 than, like, somebody you're with.

15 Q. That you love them?

16 A. Or that -- or like just -- like, kind of
17 like you got love for them.

18 Q. Oh, okay. So that's why he said it when
19 you weren't together. It means that he still loves
20 you, but he's not saying that he's in love with you;
21 would that be --

22 A. Kind of, yeah.

23 Q. Kind of like that? So it was appropriate
24 for him to call you amor at those times?

25 A. He never called me that, but he said that,

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1 yeah.

2 Q. Okay. He said it to you or to somebody
3 else?

4 A. He said it to a lot of people.

5 Q. Okay. And would he say that to males and
6 females?

7 A. Yeah.

8 Q. That you know of?

9 A. Yes.

10 Q. So there was a time that there was a
11 conversation about this paperwork on Oso. Do you
12 remember that conversation being played earlier?

13 A. Yes.

14 Q. Now, do you know whether or not Andrew
15 knows Oso?

16 A. I have no clue.

17 Q. Okay. And there was a conversation that
18 he had paperwork on Oso. Do you remember that?

19 A. I heard that.

20 Q. I think -- was he talking to you?

21 A. No, he was talking to Tina.

22 Q. Oh, okay. So if he said that he had
23 paperwork, is that like the court documents and the
24 pleadings, is that --

25 A. It's your statement.

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1 Q. I'm sorry?

2 A. It's your statement.

3 Q. Okay. So that's how you understood what
4 paperwork is?

5 A. That's -- yeah.

6 Q. And would you be surprised if you found
7 out that he knew him from the streets, when he was
8 out?

9 A. No.

10 Q. Okay. You wouldn't be surprised? And do
11 you know whether or not Oso actually lived in his
12 pod and had left his paperwork behind?

13 A. I have no clue.

14 Q. Okay. Were you ever asked to mail that
15 paperwork to Oso for him so that he could get it
16 back?

17 A. No.

18 Q. Do you know if Tina was ever asked to mail
19 that paperwork back to Oso?

20 A. No.

21 Q. Okay. You and Tina did not have that
22 conversation?

23 A. No.

24 Q. Okay. And all of these conversations took
25 place in May of 2015; is that correct?

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1 Q. Yes.

2 Q. That's the month of Mother's Day; correct?

3 A. Yes.

4 Q. And that's after Adrian Burns was
5 murdered; correct?

6 A. Yes.

7 Q. Just so that you can have a timeline, you
8 know that that was after the Burns murder?

9 A. Yes.

10 Q. Okay. So I wanted to go back to the call
11 number 754, and that's when he called and he started
12 out stating that at 5:00 in the morning they have to
13 shower. Do you remember that call being played by
14 Mr. Beck?

15 A. Yeah.

16 Q. And do you actually remember making -- or
17 receiving that call?

18 A. Yeah.

19 Q. And isn't it true that that was when he
20 was in a new pod, he had just been moved. Do you
21 remember that?

22 A. No.

23 Q. You don't remember whether or not he had
24 been moved, or if he'd been moved?

25 A. Yeah, I don't remember if he had been

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1 moved.

2 Q. Okay. So you're not saying no, that I'm
3 wrong, you're just saying you don't remember.

4 A. I don't remember, yeah.

5 Q. Okay, thank for you clearing that up. So
6 if he had been moved, isn't it true that every time
7 you're in a new pod, based on what Andrew has told
8 you in the past, every time you're in a new pod, you
9 kind of have to establish yourself with other people
10 in the group?

11 MR. BECK: Objection, hearsay.

12 MS. TORRACO: Based on what she knows from
13 her previous conversations with Andrew.

14 THE COURT: Sustained.

15 MS. TORRACO: Okay, thank you, Your Honor.

16 BY MS. TORRACO:

17 Q. So would Andrew call you other times of
18 the year besides in May?

19 A. What?

20 Q. This wasn't the only month that he was
21 calling; isn't that true?

22 A. Right.

23 Q. Right. And he would call you when he goes
24 to new places; right?

25 A. Well, we stopped talking a little bit

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1 after that, so he couldn't call me at all no more.

2 Q. So again, this is an on-and-off
3 relationship?

4 A. Yes.

5 Q. And it sounds like it's even an on-and-off
6 friendship, really?

7 A. Right.

8 Q. Because it doesn't sound like you were
9 always romantic when you, like, got back together?

10 A. Right.

11 Q. Sometimes you just got back together with
12 him as a friend; is that fair?

13 A. Yes.

14 Q. And when you got back together as a
15 friend, you were still always there for him? You
16 took his calls?

17 A. Right.

18 Q. And you helped him out if he needed help;
19 correct?

20 A. Right.

21 Q. And on one of the calls, there was a
22 comment about letting Frankie know that he was
23 locked up with Frankie's brothers; isn't that true?

24 Isn't it true that on one of the calls
25 when he says, tell Frankie I'm with the brothers,

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1 that what he was trying to convey to you, was that
2 it was Frankie's brothers that he was with. There
3 was an SNM group that he was being locked up with --

4 MR. BECK: Objection.

5 Q. -- let him know I'm with Frankie's
6 brothers?

7 MR. BECK: Speculation.

8 THE COURT: Well, lay some foundation as
9 to how she would know that, other than just him
10 telling her that.

11 MS. TORRACO: Okay.

12 BY MS. TORRACO:

13 Q. Well, so based on your relationship with
14 Andrew, which was long-standing by 2015; right?

15 A. Um-hum.

16 Q. And based on the conversation that you
17 had, because you guys talked a lot; right?

18 A. Um-hum.

19 Q. And you know about Frankie; correct?

20 A. Yes.

21 Q. And you know that Frankie is locked up for
22 a very long time; isn't that true?

23 A. Yes.

24 Q. And based on those conversations, would it
25 be -- were you able to understand that Frankie had a

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1 set of brothers that were not Andrew's brothers?
2 They were Frankie's friends, not his friends; isn't
3 that true?

4 A. No.

5 Q. Okay. So the conversation you've had with
6 him about Frankie, you're saying that they always
7 have mutual friends?

8 A. Yes.

9 Q. Isn't it true that Frankie has been in the
10 pen a lot longer and will be in a lot longer than
11 Andrew?

12 A. Yes.

13 MS. TORRACO: Can I have just a moment,
14 Your Honor?

15 THE COURT: You may.

16 MS. TORRACO: Thank you.

17 I just want to thank you very much for
18 your time. I appreciate you answering the
19 questions. Thank you, Your Honor.

20 THE COURT: Let me see counsel before I
21 have somebody else cross-examine.

22 (The following proceedings were held at
23 the bench.)

24 THE COURT: When you were trying to ask
25 her about what Andrew Gallegos said about fear, you

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1 justified it in terms of her state of mind, and I
2 sustained the objection and said I think you can get
3 what she did out just by it coming in communication.
4 But I think if you are offering it for Andrew
5 Gallegos' state of mind, it can't come in, and I
6 would sustain the objection.

7 And I think this is the one that Mr. Beck
8 made under 801(d)(2)(A), but you could offer them --
9 I think it would qualify under sort of -- I think
10 you can offer it under a sort of general applicable
11 hearsay exception, so it can't come under
12 801(b)(2)(A) because you're not the party opponent.

13 But I think you can fit it into some other
14 hearsay exception, and I think the one that comes to
15 mind is 803(3) and so I think 803(3) would be to
16 statements, like, I'm afraid for my safety. So I
17 think you can ask that question. I don't think you
18 can ask why.

19 So I think it stops with his state of
20 mind, and so I think you can ask that. So if that's
21 the question you're trying to get, I don't think
22 it's her state of mind, but I do think it would be
23 his state of mind.

24 MS. TORRACO: Okay.

25 THE COURT: If you want to ask -- what do

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1 you want to ask her? Tell me what you want to ask
2 her.

3 MS. TORRACO: Did Andrew ever tell you
4 that he was afraid for his safety while he was in
5 the pen?

6 THE COURT: And then you probably can't go
7 any further as to why.

8 MS. TORRACO: Okay, I'm fine with that.

9 (The following proceedings were held in
10 open court.)

11 THE COURT: All right, Ms. Torraco.

12 MS. TORRACO: Your Honor, may I have a
13 moment?

14 THE COURT: You may.

15 MR. BECK: Your Honor, may we approach?

16 THE COURT: You may.

17 (The following proceedings were held at
18 the bench.)

19 MS. TORRACO: After all of that drama and
20 careful consideration and thought and consultation
21 with my co-counsel, I will not be asking that
22 question.

23 THE COURT: That's fine.

24 MR. BECK: I think that's probably smart.
25 I don't need to say anything, then.

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1 MS. TORRACO: Thank you very much.

2 Appreciate you calling me on it.

3 THE COURT: Balls and strikes.

4 MS. TORRACO: Good call, Ref.

5 (The following proceedings were held in
6 open court.)

7 THE COURT: All right. Thank you,
8 Ms. Torraco.

9 Mr. Benjamin, do you have
10 cross-examination of Ms. Baldizan?

11 MR. BENJAMIN: I do, Your Honor.

12 THE COURT: Mr. Benjamin?

13 CROSS-EXAMINATION

14 BY MR. BENJAMIN:

15 Q. Ms. Baldizan, do you know OSHA -- I'm
16 sorry, not OSHA -- Oso is Jose Baca?

17 A. No.

18 Q. Okay. Do you know who Oso is?

19 A. No.

20 Q. Do you remember the conversation regarding
21 Dan Dan?

22 A. I heard it.

23 Q. Okay. On the calls; right?

24 A. Right.

25 Q. Okay. Do you know that Dan Dan lived next

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1 to the Gallegoses in Belen when they were growing
2 up?

3 A. No.

4 Q. Okay.

5 MR. BENJAMIN: Pass the witness, Your
6 Honor.

7 THE COURT: Thank you, Mr. Benjamin.

8 Any other defendant have cross-examination
9 of Ms. Baldizan?

10 All right, Mr. Beck, if you want to
11 conduct redirect of Ms. Baldizan, you may do at this
12 time.

13 MR. BECK: I do. Thank you, Your Honor.

14 THE COURT: Mr. Beck.

15 REDIRECT EXAMINATION

16 BY MR. BECK:

17 Q. Ms. Baldizan, have you ever heard of the
18 SNM prison gang?

19 A. Yes.

20 Q. Have you ever discussed it --

21 MS. TORRACO: Objection. This is beyond
22 the scope, and was not brought up on his direct, as
23 well.

24 THE COURT: Well, I think it's tied
25 through the cross. Overruled.

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1 BY MR. BECK:

2 Q. Did you know that Cunte or Frankie
3 Gallegos was an SNM member?

4 A. Yes.

5 Q. Ms. Torraco asked you whether Cunte,
6 Andrew Gallegos' brother, provides him protection.
7 Do you remember that?

8 A. Yes.

9 Q. And your answer was yes, he does. Do you
10 remember that?

11 A. Yes.

12 Q. Why? Why does Cunte provide Andrew
13 Gallegos protection?

14 MS. TORRACO: Objection.

15 THE COURT: Overruled.

16 MS. TORRACO: The witness may not answer,
17 and I believe Mr. Beck is mischaracterizing the
18 evidence and the testimony.

19 THE COURT: Overruled. I think she can
20 answer the question. Overruled.

21 BY MR. BECK:

22 Q. So my question was: Why and how does
23 Frankie Gallegos, Cunte, provide protection to
24 Andrew Gallegos?

25 MS. TORRACO: Objection, lack of

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1 foundation that this witness actually knows.

2 THE COURT: Overruled.

3 BY MR. BECK:

4 Q. Do you want me to repeat the question?

5 Why and how does Frankie Gallegos, Cunte, provide
6 Andrew Gallegos protection?

7 A. Because he --

8 MR. BENJAMIN: Objection. Vague and
9 compound.

10 A. I don't know.

11 THE COURT: Overruled.

12 BY MR. BECK:

13 Q. Okay. Do you know, if you know -- do you
14 know Frankie Gallegos', Cunte's, position or rank in
15 the SNM prison gang?

16 A. Do I know it?

17 Q. Right.

18 A. No.

19 Q. Have you ever talked with Andrew about it?

20 A. No.

21 Q. I think Ms. Torraco asked you about the
22 statements of the brothers in prison with Andrew.
23 Do you remember that?

24 A. Yeah.

25 Q. When Andrew was talking to you about the

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1 brothers in prison of May 2015, was he locked up
2 with any of his Gallegos brothers?

3 A. No.

4 Q. So did you -- what did you think that he
5 meant by brothers?

6 A. Like brother -- like the SNM people.

7 Q. So you thought he was referring to the
8 other SNM members in the pod as brothers?

9 A. Yes.

10 Q. She asked you about -- Ms. Torraco asked
11 about moving to Las Cruces. Do you remember those
12 questions?

13 A. About Andrew moving to Las Cruces? Yes.

14 Q. Do you know that the Level 4 SNM inmates
15 are housed solely in Las Cruces?

16 MS. TORRACO: Objection, speculation.

17 A. No.

18 MS. TORRACO: Objection.

19 THE COURT: This is a foundational
20 question. It's a yes-no answer.

21 A. No.

22 BY MR. BECK:

23 Q. Do you remember the conversation in the
24 call about Chacon?

25 A. Yeah.

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1 Q. Do you know Greg Chacon?

2 A. No.

3 Q. And do you remember the name Wacky?

4 A. Yes.

5 Q. Do you know an SNM member named David
6 Chavez?

7 A. No.

8 Q. Looney. Do you remember that?

9 A. Yeah, Looney.

10 Q. Do you know an SNM member named Henry
11 Hernandez?

12 A. No.

13 Q. Do you remember hearing the name Daffy?

14 A. Yes.

15 Q. Do you know an SNM member named James
16 Garcia?

17 A. No.

18 Q. Ms. Torraco asked you whether you know
19 Andrew Gallegos is not involved in the Burns murder;
20 do you remember that?

21 Q. Yes.

22 Q. Did Andrew Gallegos tell you he wasn't
23 involved in the Burns murder?

24 A. Yes.

25 Q. Do you remember what your first thought

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1 was when you heard that Andrew Gallegos had \$430
2 around the middle of November timeframe in 2012?

3 A. Oh, my God, he did it.

4 Q. And what did you --

5 A. That's what I said.

6 Q. What do you mean by "Oh, my God, he did
7 it." What is "it"?

8 A. Because it was not normal for him to have
9 that much money at a time.

10 Q. My question was when you thought to
11 yourself, "Oh, my God, he did it," what is "it"?
12 Oh, my God, he did what?

13 A. Killed him.

14 Q. Killed who?

15 A. Adrian Burns.

16 MR. BECK: Nothing further, Your Honor.

17 THE COURT: All right, Mr. Beck. Is there
18 any reason Ms. Baldizan cannot be excused from the
19 proceedings, Mr. Beck?

20 MR. BECK: She can be.

21 THE COURT: How about any objections from
22 defendants?

23 Not seeing or hearing any, you are excused
24 from the proceedings. Thank for your testimony.

25

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1 UNITED STATES OF AMERICA
2 STATE OF NEW MEXICO
3

4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages
8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 16th day of November, 2018.

13

14 _____
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